

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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NEDAL RASHID,
A# 70-902-818,

REC'D
U.S. ATTORNEY'S OFFICE
W.D.N.Y.

Petitioner,

v.

JOHN ASHCROFT As Attorney General of
the United States; WILLIAM CLEARY,
Field Office Director, Buffalo District
Immigration and Customs Enforcement;
and United States Department of
Homeland Security,

Respondents.

05-CV-0110S(F)

ORDER

WHEREAS, on May 11, 2005, the President signed into law the
“Emergency Supplemental Appropriations Act for Defense, the Global War on
Terror, and Tsunami Relief, 2005,” Pub. L. No. 109-13, 119 Stat. 231, and
Division B thereof is referred to as the “REAL ID Act,” and

WHEREAS, pursuant to the REAL ID Act § 106(a), the exclusive means of
review of an administrative order of removal, deportation, or exclusion is a
petition for review to the appropriate court of appeals, and

WHEREAS, pursuant to the REAL ID Act § 106(c), the District Court "shall transfer" all cases filed before May 11, 2005, "or the part of the case that challenges the order of removal, deportation, or exclusion" to the appropriate court of appeals, and

WHEREAS, petitioner challenges an administrative order which was the result of immigration proceedings completed within the Third Circuit, and

WHEREAS, the petition was filed before May 11, 2005,

IT IS ORDERED that the instant petition is hereby transferred to the Third Circuit Court of Appeals and to the extent that the District Court has entered a stay of removal, said stay remains in place until further notice from the Court of Appeals.


HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: June 6, 2005